

REMARKS

In an Office Action dated May 27, 2003, an objection was made to the limitation of spherical lenses as not presented in the drawings. In response, Applicant has removed the limitation of spherical lenses from the claim. New claim 19 has been added.

In the Office action claims 1, 2 and 5 were rejected under 35 U.S.C. 102(b) as being anticipated by Khuri-Yakub, U.S. Patent 5,028,937. Claims 1-3, 5-7 and 11 were also rejected under 35 U.S.C. 102(b) as anticipated by Sweet U.S. Patent 5,231,426. Applicant respectfully disagrees.

In order to anticipate a reference, the prior art reference must show every aspect of the invention. Neither Sweet nor Khuri-Yakub disclose a pharmaceutical product. Instead, both references describe systems to focus and print inks which are completely different from the pharmaceutical products claimed. Inks used in printing systems are often toxic, and people try to avoid breathing the fumes of the ink. Because neither Sweet nor Khuri-Yakub disclose all the elements of claim 1, 2 and 5, these references cannot anticipate those claims.

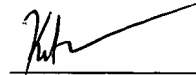
Khuri-Yakub and Sweet were combined with other references such as Biegelsen U.S. patent 6,136,210 to reject claims 3, 4,6 and 14-16 as obvious under 35 U.S.C. 103(c). Applicant respectfully disagrees. In order to render a case of obvious, a suggestion to combine the references must be provided. In this case, references for completely different purposes, ink printing and pharmaceutical dispersion are being combined.

Applicant respectfully submits that one of skill in the art would not be led to combine these references. As already pointed out, inks and pharmaceutical products are very different compounds, one would not be inclined to inhale ink or ink fumes. In addition, the objectives in distributing these compounds are different. During ink printing, the ink is focused to be placed at a particular point on a paper to generate an image. Air currents which may cause the ink to deviate from a set point at which the ink is to be deposited may result in a less crisp image. On the other hand, in an inhalation system, the droplets are designed to be carried away on air currents.

In the office action, speculation is made as to possible reasons to combine the references. For example, speculation is provided that smaller differences in Sweet may be used to produce larger droplets in order to make larger prints (page 5-6). Applicant respectfully submits that such speculation is insufficient to provide a motivation to combine the references and does not qualify as a suggestion in the art to combine the references. Furthermore, making larger prints is unrelated, and does not qualify as analogous art to delivering a pharmaceutical product to a patient

In view of the preceding amendments and remarks, Applicant respectfully submits that the claims as amended are allowable over the cited prior art reference, and allowance at Examiner's earliest convenience is hereby respectfully requested. In the event that the Examiner believes a teleconference would facilitate prosecution, Applicant respectfully requests that Examiner contact the undersigned.

Respectfully submitted,



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October 27, 2003